

ENFIELD ZONING BOARD OF APPEALS  
REGULAR MEETING  
**MINUTES**  
MONDAY March 27, 2023, 7:00 PM  
ENFIELD TOWN HALL – COUNCIL CHAMBERS  
820 ENFIELD STREET – ENFIELD, CT

RECEIVED  
ENFIELD TOWN CLERK

2023 APR -3 PH 2: 12

Shila M Bailey

**1. Call to Order**

Chairman Urbanowicz called the meeting to order at 7:00 PM

**3.. Roll Call**

Commissioner Turner took the roll and present were, Chairman Urbanowicz, Commissioners, Mary Ann Turner, Timothy Neville, Richard Stroiney, Kelly Davis, Robert Kwasnicki, and Charles Mastroberti

Also present, Lauren Whitten, Director of Planning and Property Inspector Rick Rachele

**5. Town Attorney Report- February 22, 2023**

**6. Old Business-**

**a. Docket the statusD-CV-21-6143003-S -128 Moody Road-** Remand back to ZBA to determine status of nonconforming use-trucking terminal. **Tabled at the request of the applicant.**

**Madame Secretary read the legal notice.**

**b. ZBA 2023-02-07- 9 Manning Road-** Appeal of the ZEO's Cease and Desist order regarding Section 3.30.13 Commercial Vehicles and Section 10.10.2 Parking Standards; Christopher Latocki, Applicant/Owner; Map 34/Lot 8; R33-Zone

Mr. Latocki stated that the issue with the excessive vehicles will be taken care of by the end of the week. He requested some extra time to come up with the funds for a special permit for the commercial vehicle.

Commissioner Turner made a motion to close the public hearing, seconded by Commissioner Neville.

**Motion passed by a show of hands 5-0-0 vote.**

Commissioner Turner made a motion, seconded by Commissioner Davis to uphold the ZEO's Cease and Desist order regarding Section 3.30.13 Commercial Vehicles and Section 10.10.2 Parking Standards; Christopher Latocki, Applicant/Owner; Map 34/Lot 8; R33-Zone

**Motion passed by 5-0-0 vote.**

**7. Legal Ad-**

**8. New Business-**

**a. ZBA#2023-02-24-147 Abbe Road-** Appeal of the Cease and Desist order for Section 8.40 Excavation Operations and Section 8.40.2 Excavation Operations- General Requirements; Stephen Jarmoc of Jarmoc Real Estates, LLC, Applicant/Owner ; Map 85/ Lot 16; R-44 Zone

**Madame Secretary read the legal notice.**

Chairman Urbanowicz recused himself from the matter on 147 Abbe Road, and appointed Robert Kwasnicki in his place and for Vice chairman Neville to serve as Chairman.

Chairman Neville opened the public hearing at 7:20 PM

Attorney Donnelly gave a handout to the Commissioners, which was the presentation that he went over for the appeal on 147 Abbe Road to overturn the Cease-and-Desist order. Attorney Donnelly read the letter addressed to the Commission. The letter refers to the Cease-and-Desist order for the removal of sediment from the farm pond. Mr. Jarmoc reached out to the planning and zoning staff in October asking if a permit was needed to work on the pond. As indicated in the emails in the handout stated that a permit was not needed for maintenance of the pond.

Attorney Donnelly goes on to discuss the jurisdiction, regulations, and statutes of the Inland and Wetlands Watercourse Agency. (Refer to presentation packet)

Commissioner Turner references an IWWA meeting from February 1, 2022. Attorney Donnelly stated that this meeting was specific to the irrigation pipping installed. After the system was installed, the client realized that they had an issue with sedimentation in the pond. As such the client reached out about removing the sediment from the pond to make the pumps run smoother. Commissioner Turner asked how far did they dig and how wide did they go.

Attorney Donnelly stated that the estimate on the sides is about 8 feet in most directions. One side collapsed and had to be rebuilt which extended the pond.

Commissioner Turner asked to better understand how much cubic feet was taken out.

Mr. Rachele stated that the existing pond was 9551 square feet. If all sides had 8 feet removed then 2829 cubic yards of material were removed. The pond has probably doubled in size with the expansion. The emails between staff and the client refer to enhancement of the pond not expansion. Pond maintenance does not require a permit, however expansion does require an excavation permit.

Attorney Donnelly stated that if more information was required by staff on what was to be done to the pond, they should have told his client. The email communication between staff and his client was not to mislead but to ask if anything needed to be done.

Chairman Neville read the email communications and stated it may have been miscommunication however looking at the pictures what was done was not minor.

Commissioner Kwasnicki stated that in one of the emails the client says we're going to remove "some" sediment from the pond, Commissioner Kwasnicki stated that this is not accurate or descriptive. The word "some" could be read in different ways. He asked Attorney Donnelly if there is a legal definition on what maintenance means and what enhancing means regarding this? Attorney Donnelly stated that it goes back to the statute. Maintenance is not specifically defined but it's referenced in what is farming in CT General Statutes 1-1q. Maintenance is referenced in that definition as a right of farming use. He further states that they are focused on the "as of right" use that does not refer to the zoning regulations which are under farm ponds of 3 acres or less.

Commissioner Stroiney asked at what point did they go beyond the existing sediment and start excavating, beyond the collapsing wall? Attorney Donnelly stated that this pond is about 70 to 80 years old. There is a significant amount of sediment that has built up. They stopped digging when they reached the clay.

**Public Participation:**

Jack Sheridan from 7 Buchanan Road. He spoke on behalf of the Jarmoc Farm. He stated that they have been good neighbors. In the time that he lived there, he had not seen the pond cleaned out. He stated that over time the pond has gotten bigger and smaller.

Robert Lyman from Cleveland Road. He has a view of the pond from his house. He further stated that they had about 3 excavators digging out the pond. Mr. Lyman is concerned with safety. He saw kids playing on the dirt mounds near the pond.

Commissioner Turner made a motion to close the public hearing, seconded by Commissioner Davis.

**Motion passed by a show of hands 5-0-0 vote.**

Commissioner Turner made a motion, seconded by Commissioner Davis to uphold **ZBA#2023-02-24-147 Abbe Road**- the Cease-and-Desist order of all excavation activities on the property and to seek a special permit approval for continued excavation and the order directs the property owner to immediately install proper erosion and sediment control and safety features.

**Motion passed 5-0-0 vote.**

**Chairman Urbanowicz rejoined the meeting at 8:35pm**

**b. ZBA#2023-03-03-03- 500-525 Enfield Street**-Appeal of the Cease-and-Desist Order for Section 5.20 Business Districts Use Table; Kenneth Bedard, Fred Joseph's LLC, Applicant; James Blais, Owner; Map 33/Lot 65; Map 33/Lot 66; BL Zone. **Not heard**

**9. Approval of Minutes**

**a. February 27, 2023**

Commissioner Stroiney made a motion, seconded by Commissioner Neville to approve the minutes for February 27, 2023.

**Motion passed by a show of hands 6-0-1 vote.**

**10. Correspondence / Staff Reports-None**

**11. Other Business-** Commissioner Turner gave an update on K-7's it may make it out of committee and she is awaiting a call to clarify the language.

**12. Adjournment**

Commissioner Neville made a motion, seconded by Commissioner Stroiney, to adjourn. The meeting was adjourned at 8:38 PM.

**Motion passed 7-0-0 vote.**

Next meeting, April 24, 2023.

Prepared by:

Sandie Barone, Recording Secretary

Respectfully Submitted,

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Mary Ann Turner, Secretary